



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,474	11/29/2001	Oscar A. Chappel	92717-322USPT	7788

7590 06/12/2006
Gary B. Solomon
Jenkins & Gilchrist, P.C.
3200 Fountain Place
1445 Ross Avenue
Dallas, TX 75202-2799

EXAMINER

JEANTY, ROMAIN

ART UNIT PAPER NUMBER

3623

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/998,474	Applicant(s) CHAPPEL ET AL.	
	Examiner Romain Jeanty	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 11-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Election/Restriction filed March 20, 2006. The Election/Restriction is acknowledged. Claims 1-22, 29-37 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-10, 29-30, 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helzerman (U.S. Patent No. 6, 901,372) in view Wright (US patent No. 6,581,040).

As per claims 1, 4-6, 29, 32-35, Helzerman discloses a method for developing and performing projects. In so doing, Helzerman discloses receiving the change proposal directed toward the project, the change proposal requesting at least one amendment to be performed to the project (receiving the project proposals, col. 4, lines 49-64), identifying, based on the at least one amendment request, at least one artifact of the project to be potentially affected upon the change proposal being adopted (col. 4, line 65 through col. 5, line 40), and generating at least one metric indicative of the potential effects on the project based on said identifying the at least one artifact (See Fig. 8, and col. 12, lines 59-66), the at least one metric providing an objective risk assessment to the client (col. 8, lines 11-28, and line 56-62).

Helzerman does not explicitly disclose the project being developed by the service provider such a contractor or a contractor. Wright in the same filed of endeavor discloses the concept of a project being developed by a service provider such as a contractor (col. 3, lines 57-64; col. 5, lines 1-16). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Helzerman to incorporate a project being developed by a service provider as evidenced by Wright with the motivation to manage and monitoring construction project communications.

As per claims 2 and 30, Helzerman further discloses wherein the at least one metric includes a statistical value (col. 9, lines 57-64).

Regarding claims 7-8, 36-37 the claimed features are standard practice of in project development and management. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include such features into Helzerman and Wright in order to allow for the timely and proper development and implementation of the project.

Claim 9 is a system for assessing risk on a project associated with a change proposal directed toward the project, the project being developed by a service provider for a client, said system comprising means for performing the steps of claim 1; therefore claim 9 is rejected under the same analysis relied upon of claim 1.

Claim 10 is a computer-readable medium having stored thereon sequences of instructions, the sequences of instructions, when executed by a processor, causes the processor to perform the steps of claim 1; therefore claim 10 is rejected under the same analysis relied upon of claim 1.

Art Unit: 3623

4. Claims 3 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helzerman (U.S. Patent No. 6, 901,372) in view Wright (US patent No. 6,581,040) and further in view of Ali et al (The Production of Accurate Construction Cost Estimates in Saudi Arabia)

As per claims 3, and 31 the combination of Helzerman and Wright fails to explicitly disclose wherein said generating includes performing a regression analysis. Ali et al in the same field of endeavor disclose the concept of performing a regression analysis in project management environment. Note Pages 2 and 3 of Ali et al. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Helzerman, Wright to include the teachings of Ali et al in order to estimate the total project cost from multiple parameters.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Mora et al (U.S. Patent No. 6,161,113) disclose a computer-aided project notebook system.

b. Gundewar et al (US Patent No. 6,381,610) disclose an automated project planning method.

d. Freeman et al (US Patent No. 7,031,930) discloses a system for managing complex construction projects.

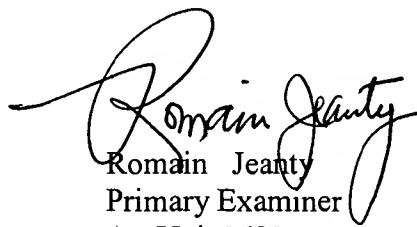
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 a.m. to 6:00 p.m..

Art Unit: 3623

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 30, 2006


Romain Jeanty
Primary Examiner
Art Unit 3623